

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 412 be amended to read as follows:

- 1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
2 "SECTION 1. IC 4-1-10-4, AS ADDED BY P.L.91-2005, SECTION
3 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
4 2007]: Sec. 4. **(a)** Unless prohibited by state law, federal law, or court
5 order, the following apply:
6 (1) A state agency may disclose the Social Security number of an
7 individual to a state, local, or federal agency.
8 **(2) A state agency may disclose the Social Security number of**
9 **an individual to a person that a state agency, local agency, or**
10 **federal agency has contracted with to perform the agency's**
11 **duties and responsibilities if the disclosure is necessary for the**
12 **contractor's performance under the contract of duties and**
13 **responsibilities that directly serve the individual whose Social**
14 **Security number is disclosed.**
15 ~~(2)~~ **(3)** A state law enforcement agency may, for purposes of
16 furthering an investigation, disclose the Social Security number
17 of an individual to any individual, state, local, or federal agency,
18 or other legal entity.
19 **(4) A state agency may disclose the Social Security number of**
20 **an individual to a person that the state agency contracts with**
21 **to provide goods to the state agency if:**
22 **(A) the disclosure is necessary for the contractor's**
23 **performance under the contract of duties and**
24 **responsibilities that directly serve the individual whose**
25 **Social Security number is disclosed;**
26 **(B) the contract includes adequate safeguards, including**
27 **any safeguards required by state or federal law, to:**
28 **(i) prevent the unauthorized release or use of the Social**
29 **Security numbers; and**
30 **(ii) require the notification of affected individuals in the**
31 **event the Social Security number of an individual is**

1 **improperly disclosed; and**
 2 **(C) the contract requires the contractor to destroy or**
 3 **redact a Social Security number provided to the contractor**
 4 **by the state agency:**

- 5 **(i) if requested by the state agency; or**
 6 **(ii) upon expiration of the contract."**

7 Page 2, delete lines 1 through 10.

8 Page 2, line 22, delete "." and insert **"for a purpose that directly**
 9 **serves the individual whose Social Security number is being**
 10 **disclosed."**

11 Page 2, between lines 27 and 28, begin a new line blocked left and
 12 insert:

13 **"In order to obtain consent by electronic transmission, a state**
 14 **agency must provide a means for the individual to verify that the**
 15 **consent is being obtained for the use of the state agency."**

16 Page 3, line 16, delete "and".

17 Page 3, line 18, delete "." and insert **"; and**

18 **(C) the agency notifies the individual:**

- 19 **(i) that the individual's Social Security number has been**
 20 **released to a private attorney; and**
 21 **(ii) of the purpose for which the Social Security number**
 22 **has been released to the private attorney."**

23 Page 3, line 23, after "of any" insert **"state or"**.

24 Page 3, line 23, delete "." and insert **"or court order."**

25 SECTION 3. IC 4-1-10-10.5 IS ADDED TO THE INDIANA CODE
 26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 27 1, 2007]: **Sec. 10.5. An employee or officer of a contractor or**
 28 **subcontractor of a state agency who obtains a Social Security**
 29 **number from a state agency under this chapter is subject to**
 30 **IC 5-14-3-10.**

31 SECTION 4. IC 5-14-3-10 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) A public
 33 employee, a public official, or an employee or officer of a contractor or
 34 subcontractor of a public agency, except as provided by IC 4-15-10,
 35 who ~~knowingly or intentionally~~ **intentionally, knowingly, or**
 36 **recklessly** discloses information classified as confidential by state
 37 statute commits a Class A misdemeanor.

38 (b) A public employee may be disciplined in accordance with the
 39 personnel policies of the agency by which the employee is employed
 40 if the employee intentionally, knowingly, or recklessly discloses or fails
 41 to protect information classified as confidential by state statute.

42 (c) A public employee, a public official, or an employee or officer
 43 of a contractor or subcontractor of a public agency who unintentionally
 44 and unknowingly discloses confidential or erroneous information in
 45 response to a request under IC 5-14-3-3(d) or who discloses
 46 confidential information in reliance on an advisory opinion by the
 47 public access counselor is immune from liability for such a disclosure.

- 1 (d) This section does not apply to any provision incorporated into
- 2 state law from a federal statute."
- 3 Renumber all SECTIONS consecutively.
(Reference is to SB 412 as printed February 9, 2007.)

Senator HERSHMAN